



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 687 (as introduced 1-13-16)
Sponsor: Senator Tory Rocca
Committee: Local Government

Date Completed: 5-31-16

CONTENT

The bill would amend Chapter 21 (Intercounty Drains; Public Corporations) of the Drain Code to do the following:

- Allow the drain commissioner of the county with the highest aggregate apportionments to choose to serve as a drainage board's secretary, after the issuance of the board's final order of apportionment.**
- Require the board to select a secretary if that drain commissioner did not choose to serve as secretary.**
- Specify that the secretary of an intercounty drainage board, selected from among the board members, would be responsible for the board's administrative duties.**
- Provide that a drainage board's secretary would serve until the drainage board approved a final order of apportionment for an intercounty drain project.**

The bill would take effect 90 days after its enactment.

Intercounty Drainage Board & Initial Secretary

Under Chapter 21, if the construction of an intercounty drain is necessary for the public health, a petition signed by two or more public corporations that will be subject to assessments to pay the cost of the drain may be filed with the Director of the Department of Agriculture and Rural Development (MDARD). A drainage board, consisting of the MDARD Director and the drain commissioner of each involved county, is created for each intercounty drain project. The MDARD Director is the chairperson of the drainage board, and the board must select one of its members as secretary. The bill specifies that the secretary would be responsible for performing all administrative duties of the drainage board. Subject to Section 521 (described below), the secretary would have to be selected by the drainage board.

A drainage board's first meeting must be for the purpose of selecting a secretary. When a secretary is selected, the MDARD Director must turn over to him or her the original petition to create the intercounty drain and any other records pertaining to the proposed drain. The bill specifies that the secretary would serve until the drainage board approved a final order of apportionment under Section 521.

Tentative & Final Apportionments

Chapter 21 requires a drainage board to secure plans, specifications, and an estimate of costs of a proposed intercounty drain. The board must tentatively establish the percentage of the cost of the drain, or parts of it, to be borne by public corporations in each affected county, as well as by the State for any State highway and by counties for any county highway.

Under Section 521, after making the tentative apportionments, the drainage board must set a time, date, and place it will meet and hear objections to them. After the hearing, the drainage board may confirm the tentative apportionments or, if it considers them to be inequitable, it must readjust the apportionments. Before readjusted apportionments are confirmed, the drainage board must hold another hearing. After the hearing or rehearing, the board must issue an order setting forth the apportionments as confirmed.

The bill specifies that, upon the issuance of the final order of apportionment and each year after that, the drain commissioner for the county with the highest aggregate apportionments could opt to become the secretary of the drainage board. If he or she declined to serve as secretary, the drainage board could elect another of its members to that position.

MCL 280.514 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Pratt